

# **Malibu City Council** **Regular Meeting Agenda**

**Monday, June 11, 2001**

**5:30 P.M. - CLOSED SESSION**  
**City Hall - Large Conference Room**  
**23555 Civic Center Way**

**6:30 P.M. - REGULAR CITY COUNCIL MEETING**  
**HRL Auditorium**  
**3011 Malibu Canyon Road**

**Five-Thirty p.m.**      **Closed Session**

*This time has been set aside for the City Council to meet in a closed session to discuss matters pertaining to existing litigation pursuant to Government Code Section 54956.9(a). The City Attorney will give an additional oral report regarding the closed session at the beginning of the next regular City Council meeting.*

**Existing litigation per Government Code Section 54956.9 (a):**

1. Gibbs v. City of Malibu Los Angeles County Superior Court Case No. BS0593621
2. City of Malibu v. Santa Monica Conservancy (Streisand Center)  
Ventura County Superior Court No. 193900

**Six-thirty p.m.**      **Regular Session**

*Public Hearings will begin at 6:30 p.m., or as soon thereafter as possible, but in no event later than 7:30 p.m.*

Call to Order - Mayor

Roll Call - Recording Secretary

Pledge of Allegiance

Closed Session Report

Approval of Agenda

Report on Posting of Agenda - June 1, 2001

**1.      Ceremonial/Presentations**

- A.      Recognition of Outgoing Youth Commissioners
- B.      Proclamation congratulating the Malibu Chapter of the Daughters of the American Revolution on their 10<sup>th</sup> Anniversary



**2. Written and Oral Communications from the Public**

- A. Communications from the Public concerning matters which are not on the agenda but for which the City Council has subject matter jurisdiction. City Council may not act on these matters except to refer the matters to staff or schedule the matters for a future agenda.
- B. City Council Subcommittee reports/Mayor and Councilmember reports and inquiries.

**3. Consent Calendar**

A. Previously Discussed Items

- 1. Second reading and adoption of Ordinance No. 221, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MALIBU APPROVING ZONE TEXT AMENDMENT NO. 01-003 AMENDING CHAPTER 9.3.80, CULTURAL RESOURCES OF THE MALIBU MUNICIPAL CODE (CITY-WIDE)."

Staff recommendation: Conduct second reading and adopt Ordinance No. 221.

Staff contact: Interim City Clerk Pope 456-2489 ext. 228

This is an amendment to the Cultural Resources section of the Interim Zoning Ordinance. It simplifies the process for review of potential impacts of development projects on cultural resources and clarifies who can be a cultural resources monitor. Ordinance No. 221 was introduced for first reading at the City Council meeting of May 29, 2001.

- 2. Second reading and adoption of Ordinance No. 222, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MALIBU APPROVING ZONE TEXT AMENDMENT NO. 01-001 AMENDING SECTION 9.3.03 (a) ((19) OF THE RESIDENTIAL DEVELOPMENT STANDARDS OF THE MALIBU MUNICIPAL CODE REGARDING HOME OCCUPATIONS, AMENDING SECTION 9.3.32 REGARDING SPECIFIC PARKING REQUIREMENTS AND NEGATIVE DECLARATION 01-002 (CITY-WIDE)."

Staff recommendation: Conduct second reading and adopt Ordinance No. 222.

Staff contact: Interim City Clerk Pope 456-2489 ext. 228

This item amends the City's regulations relating to Home Occupations. Under the proposed ordinance, no permit is required for home occupations involving less than six employees or students and which meet certain requirements. Ordinance No. 222 was introduced for first reading at the City Council meeting of May 29, 2001.

B. New Items

1. Waive further reading

Staff recommendation: After the City Attorney has read the title, waive full reading of ordinances considered on this agenda for introduction on first reading and/or second reading and adoption.

Staff contact: City Attorney Hogin 456-2489 ext. 266

2. Approve warrants

Staff recommendation: To allow and approve warrant demand numbers 16708 through 16773 listed on the attached register from the General Fund and direct the City Treasurer to pay out the funds to each of the claimants listed in Warrant Register No. 235 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands, including payroll checks, in a total amount of \$280,103.87.

Staff contact: Administrative Services Director James 456-2489 ext. 224

3. Denial of Claim for Damages filed by Howard Terence Levenson as Trustee of the Levenson Family Trust

Staff recommendation: Deny the claim.

Staff contact: Interim City Clerk Pope 456-2489 ext. 228

This claim was filed against the City alleging that the deposit and storage of excess dirt excavated from an adjacent property caused property damage. The Government Code requires the City to take action on a claim, to commence the running of the six month statute of limitations, within 45 days of receipt of the claim.



4. Keep California Beautiful's Proud Community Program Membership

Staff recommendation: Direct staff to submit application on behalf of the City to become a member of Keep California Beautiful's Proud Community Program.

Staff contact: Interim City Clerk Pope 456-2489 ext. 228

The City's membership would provide opportunities in recycling, cleanup and beautification. The \$100 annual membership fee would be paid under Fund 207, Solid Waste Management.

5. League of California Cities Proposed Bylaws Amendment to increase dues to implement League Grassroots Network

Staff recommendation: Approve the League bylaws amendment.

Approval of the amendment will implement a statewide Grassroots Network to protect local control and reduce the likelihood of city revenues being taken by the State.

Staff contact: Acting City Manager 456-2489 ext. 226

4. **Ordinances and Public Hearings**

*This portion of the agenda is for ordinances and for advertised hearing items where formal public testimony on each item is received prior to City Council action; the public hearings will begin at 6:30 p.m., or as soon thereafter as possible, but in no event later than 7:30 p.m.*

A. Consideration of Local Coastal Program

Staff recommendation: Conduct public hearing and approve Resolution No. 01-25, adopting the local coastal plan dated May 2001, certifying that the local coastal program is intended to be carried out in a manner fully in conformity with the Coastal Act and directing staff to submit the LCP along with all required materials to the Coastal Commission.

Staff contact: Planning Director Hogan 456-2489 ext. 234

The Coastal Act requires all cities in the Coastal Zone to adopt a program to implement the State's Coastal Policies. This item would approve the City's program which would then be transmitted to the Coastal Commission for certification.

B. Proposed Budget and Appropriations Limit for Fiscal Year 2001-2002 and Related Personnel Actions

Staff recommendation: Adopt Resolution No. 01-27 adopting the Annual Budget for FY 2001-2002; Adopt Resolution No. 01-28 establishing Appropriation Limit for 2001-2002; and Adopt Resolution No. 01-34 approving job descriptions for the positions of Department Specialist, Maintenance Worker, Associate Civil Engineer, Planning Technician, revising the job descriptions for Planning Clerk and City Engineer, and establishing salary ranges for these positions in the City service.

Staff contact: Administrative Services Director James 456-2489 ext. 224

C. Calle Del Barco Landslide Abatement District Public Hearing

Staff recommendation: 1) Conduct the Public Hearing to receive public comment and count the assessment ballots regarding proposed changes to Assessment District No. 98-2 (Calle del Barco) pursuant to the Municipal Improvement Act of 1913, Division 12 of the California Streets and Highways Code, to finance the construction of additional capital improvements and to operate, maintain and repair the entire landslide dewatering system in the Calle Del Barco Area; and either, 2a) *If there is **not** a majority protest against the changes*, Adopt Resolutions No. 01-30 and 01-31, making necessary findings, approving the final Engineer's Report Regarding Changes for AD 98-2, confirming the levy and collection of assessments in accordance with Exhibit B of said report and ordering improvements. Do not proceed to ACTION ITEM #3, or 2b) *If there is a majority protest against the changes*, Close proceedings regarding the changes to Assessment District 98-2 and proceed to Conduct the Public Hearing to receive public comment on the levy of the annual assessment for the maintenance repair, and improvement of the existing Assessment District 98-2 landslide dewatering system in the Calle Del Barco Area; and 3) Adopt Resolution No. 01-32, levying an assessment for the maintenance, repair and improvement of the existing landslide dewatering system..

Staff contact: City Engineer Morgan 456-2489 ext. 247

The district was formed in 1998 for the purpose of financing the construction of four dewatering wells and associated landslide dewatering apparatus in the Calle Del Barco area. The City's geotechnical consultants have recommended adding an additional dewatering well and associated facilities. The annual assessment for a single family home in Zone A is proposed to increase to \$1,539.10 and \$769.55 for Zones B and C.

D. Assessment District 98-1 (Big Rock Mesa)

Staff recommendation: Hold the public hearing to receive public comment, and then adopt Resolution No. 01-29, establishing the annual assessments for the operation, maintenance, improvement and repair of the existing landslide monitoring and mitigation facilities of City Assessment District 98-3 (Malibu Road) for Fiscal Year 2001-02.

Staff Contact: City Engineer Morgan 456-2489 ext. 247

The district was formed in 1998 to construct new dewatering and monitoring facilities in the eastern mesa area and to take over maintenance of the entire dewatering system, replacing the maintenance function of County Improvement (CI) District No. 2629R2. The annual assessment for a single family home has been set at \$472.12.

E. Assessment District No. 98-3 (Malibu Road)

Staff recommendation: Hold the public hearing to receive public comment, and then adopt Resolution No. 01-33, establishing the annual assessments for the operation, maintenance, improvement and repair of the existing landslide monitoring and mitigation facilities of City Assessment District 98-3 (Malibu Road) for Fiscal Year 2001-02.

Staff Contact: City Engineer Morgan 456-2489 ext. 247

The district was formed in 1998 to construct new dewatering and monitoring facilities and to take over maintenance of the entire dewatering system. The annual assessment for a single family home has been set at \$518.70 for Zone A and \$259.35 for Zone B.

**5. Old Business**

A. Proposed slate of appointments to the Harry Barovsky Memorial Youth Commission

Staff recommendation: Approve the slate of appointments to the Harry Barovsky Memorial Youth Commission.

Staff contact: Parks and Recreation Director Adams 317-1364



Ten positions will be vacant as of June 30, 2001, for which 16 applications were received. The Parks and Recreation Sub-committee reviewed the applications and is now providing its recommendation to the Council.

B. Award of Construction Contract, Corral Canyon Road Reconstruction, CIP 99-03

Staff recommendation: Award a contract to CalEX Engineering Co. of Newhall in the amount of \$331,888.00 for the Corral Canyon Road Reconstruction, cip99-03.

Staff contact: Public Works Director Bergson 456-2489 ext. 225

During the rainstorms in March 2001, a portion of Corral Canyon failed, the road was partially closed and a state of local emergency was declared. This item approves the contract to repair the road.

C. City/University of Pepperdine Memorandum of Understanding of 1999

Staff recommendation: Authorize the Acting City Manager to request the in-lieu payment pursuant to the City/Pepperdine University Memorandum of Understanding of April 1999 and that these in-lieu funds be designated for roadway improvements within the Malibu Civic Center area.

Staff contact: Public Works Director Bergson 456-2489 ext. 225

The City Council is being presented an option to obtain traffic facilities or in-lieu funds pursuant to a settlement Memorandum of Understanding made in 1999.

6. New Business

A. Winter Canyon Road Traffic

Staff recommendation: Direct staff to meet with the principal parties on Winter Canyon Road to prepare a short term pedestrian and traffic plan for Winter Canyon Road, including funding and implementation.

Staff contact: Public Works Director Bergson 456-2489 ext. 225

The need for a pedestrian and traffic plan on Winter Canyon Road is being introduced for Council information and direction.

Adjournment

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Future Meetings

Mon., June 25, 2001	6:30 p.m.	Regular City Council Meeting	HRL Auditorium
Mon., July 9, 2001	6:30 p.m.	Regular City Council Meeting	HRL Auditorium
Mon., July 23, 2001	6:30 p.m.	Regular City Council Meeting	HRL Auditorium

### **Guide to the City Council Proceedings**

**The Oral Communication** portion of the agenda is for members of the public to present items which are not listed on the agenda, but are under the subject matter jurisdiction of the City Council. No action may be taken under this section except to direct staff unless the Council, by a two-thirds vote, determines that the need to take action arose after the posting of the agenda or that the item presents an emergency situation for which action is required prior to the next regularly scheduled meeting of the City Council. Although no action may be taken on these non agenda items, the Council and staff will follow up on those items needing response. Each speaker is limited to (3) three minutes. Time may be surrendered by deferring (1) one minute to another speaker, on the same item, not to exceed a total of (8) eight minutes. The speaker wishing to defer time must be present when the item is heard. In order to be recognized and present an item, each speaker must complete and submit to the Recording Secretary a Request to Speak form prior to the beginning of the item being announced by the Mayor (forms are available at the Chamber doors). Speakers are taken in the order slips are submitted.

**Items in Consent Calendar Section A** have already been considered by the Council at a previous meeting where the public was invited to comment, after which a decision was made. These items are not subject to public discussion at this meeting because the vote taken at the previous meeting was final. Resolutions concerning decisions made at previous meetings are for the purpose of memorializing the decision to assure the accuracy of the findings, the prior vote, and any conditions imposed.

**Items in Consent Calendar Section B** have not been discussed previously by the Council. If discussion is desired, an item may be removed from the Consent Calendar and will be considered individually. Councilmembers may indicate a negative or abstaining vote on any individual item by so declaring prior to the vote on the motion to adopt the entire Consent Calendar. Items excluded from Consent Calendar will be taken up by the Council following the action on the consent calendar. The Council first will take up the items for which public speaker requests have been submitted. Public speakers are limited to (3) three minutes each. If a speaker slip is submitted late the speaker's time will be limited to (2) minutes. If more than 10 speaker slips are submitted each speaker's time will be limited to (2) two minutes each.

**Items set for Public Hearing** commence at 7:30 p.m. or as soon thereafter as practicable. At that time the City Council will stop its other proceedings and move directly to Public Hearing items. At the conclusion of Public Hearings the City Council will continue the agenda where it left off.

For Public Hearings involving zoning matters the appellant will be given 15 minutes to present their position to the City Council, including rebuttal time. All other testimony shall be limited to (3) three minutes per person and follow the rules as set forth under Oral Communication.

**Items in Old Business** are items which have appeared on previous agendas but have either been continued or tabled to this meeting with no final action having been taken. Public comment on any item is permitted under the public comment rules. Speakers should address whether they are supportive or opposed to either the recommended action or the motion before the City Council for decision. Items in New Business are items which are appearing for the first time for formal action. Public comment on any item is permitted under the public comment rules. Speakers should address whether they are supportive or opposed to either the recommended action or the motion before the City Council for decision.

**Items in City Council Items** are items which individual members of the City Council may bring up in terms of reporting to other members of the City Council, to propose future agenda items or to suggest future staff assignments. Items discussed under City Council Items follow the same rules as set forth under Oral Communications in terms of the actions the City Council may take on any item brought up under this portion of the agenda. Each Councilmember's oral item presentations are limited to four minutes. No new items will be taken-up after 10:30 p.m. without a two-thirds vote of the City Council.

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*City Council meetings are aired on City of Malibu Government Access Channel 15. Broadcasts on Channel 15 occur at 8:00 a.m. and 8:00 p.m. Monday, Wednesday and Friday, Tuesday and Thursday at 8:00 p.m., and at 2:00 p.m. on both Saturday and Sundays. Copies of the staff reports or other written documentation relating to each item of business described above are on file in the office of the City Clerk, Malibu City Hall, 23555 Civic Center Way, Malibu, California and are available for public inspection during regular office hours which are 8:30 a.m. to 5:00 p.m., Monday through Friday. Copies of staff reports may be purchased for \$0.25 per page. Pursuant to State law, this agenda was posted at least 72 hours prior to the meeting at the Malibu City Offices, Malibu Community Center at Point Dume and Malibu Community Library. The City Hall phone number is (310) 456-2489. To contact City Hall using a telecommunication device for the deaf (TDD), please call (800) 735-2929 and a California Relay Service operator will assist you. In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact Building & Safety Director Victor Peterson, (310) 456-2489, ext. 251. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28 CFR 35.102-35.104 ADD Title II]*